

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JAMES DOUGLAS SMITH,

Plaintiff,

v.

3:13-cv-80

STATE OF TENNESSEE, et al.,

Defendants.

MEMORANDUM

This is a *pro se* prisoner's civil rights complaint under 42 U.S.C. § 1983. Because the plaintiff did not pay the \$350.00 filing fee nor submit an application to proceed *in forma pauperis*, plaintiff was given thirty days to pay the filing fee or to submit the proper documents to proceed *in forma pauperis*. Plaintiff's copy of that order, which was mailed to him at his last known address of Silverdale Detention Center, was returned undelivered on May 17, 2013, with the notation "not at this address." Plaintiff bears the burden of prosecuting his action, which includes informing the court of his correct mailing address, and he has not done so.

Accordingly, this action will be **DISMISSED WITHOUT PREJUDICE** for plaintiff's failure to prosecute. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir.

1991). The court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. Fed. R. App. P. 24.

AN APPROPRIATE ORDER WILL ENTER.

s/ Thomas W. Phillips
United States District Judge